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MORRISON & FOERSTER LLP  
1650 TYSONS BOULEVARD  
SUITE 300  
MCLEAN, VA 22102

EXAMINER

NGUYEN, CINDY

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/875,271

Applicant(s)

TAN, AH HWEE

Examiner

Cindy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18, 22-46 and 50-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 22-46 and 50-53 is/are rejected.
- 7) ☐ Claim(s) 19-21 and 47-49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

This is in response to communication filed 08/15/04.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/15/04 has been entered.

#### ***1. Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18, 22-46 and 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (U.S 5754938) (Herz) in view of Gerace (U.S 5848396).

1-18

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Regarding claims 1 and 27, Herz discloses: a method of organizing information into a plurality of classes or clusters with a user-configurable information clustering system comprising:

a) grouping units of information into clusters based on similarities to create a cluster structure (col. 22, lines 65-col. 23, lines 10, Herz); and

However, Herz didn't disclose: modifying said cluster structure by a user according to user knowledge and preferences. On the other hand, Gerace discloses: modifying said cluster structure (category) by a user according to user knowledge and preferences<sup>1</sup> (col. 11, lines 25-45, Gerace). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps for modifying said cluster structure by a user according to user knowledge and preferences in the system of Herz as taught by Gerace. The motivation being to enable the user to customized home page due the user interesting for that user instead of the initial home page.

In addition, Herz/Gerace disclose: a user interface (col. 37c fig. 3A, Gerace). The motivation being to enable the user to view and manipulate categories.

A knowledge base for storing said cluster structure (col. 32, lines 34-44, Herz).

Regarding claims 2 and 28, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz/Gerace discloses: wherein said grouping units of information into clusters is carried out automatically to create a machine-generated cluster structure (col. 24, lines 2-67, Herz).

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Regarding claims 3 and 29, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz/Gerace discloses: wherein said modifying comprises creating at least one new information cluster defined by the user (col. 19, lines 22-25, Gerace).

Regarding claims 4, 8, 30 and 35, most of the limitations of these claims have been noted in the rejection of claims 1, 3, 27 and 29 above, respectively. In addition, Herz/Gerace discloses: wherein said modifying further comprises labeling at least one information cluster by the user using defined symbol<sup>2</sup> (col. 6, lines 32-39, Gerace).

Regarding claims 5, 9, 31 and 36, most of the limitations of these claims have been noted in the rejection of claims 1, 4, 27 and 30 above, respectively. In addition, Herz/Gerace discloses: wherein said modifying further comprises merging of at least two clusters chosen by the user(col. 7, lines 35-39, Herz).

Regarding claims 6, 10, 32 and 37, most of the limitations of these claims have been noted in the rejection of claims 1, 5, 27 and 31 above, respectively. In addition, Herz/Gerace discloses: wherein said modifying further comprises splitting at least one cluster chosen by the user(col. 24, lines 12-18, Herz).

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<sup>1</sup> The program prepared profiles to assist users to selecting data and user customizes each category of information as financial information, sports, weather, travel, telephone directory, personals and classifieds on the home page base on the profile and the appendix iii described how the user modifying the category (cluster).

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Regarding claims 7, 11, 33 and 38, most of the limitations of these claims have been noted in the rejection of claims 1, 6, 27 and 32 above, respectively. In addition, Herz/Gerace discloses: wherein said modifying further comprises storing said cluster structure in a knowledge base (col. 32, lines 34-44, Herz).

Regarding claims 23, all of the limitations of this claim have been noted in the rejection of claims 1, 4, 5 and 6 above. It is therefore rejected as set forth above.

Regarding claims 25, 50 and 52, all of the limitations of these claims have been noted in the rejection of claims 1, 4, 5, 6 and 7 above. In addition, Herz/Gerace discloses: retrieving said cluster structure initializing the information clustering system using said retrieved cluster structure (col. 25, lines 22-31, Herz); and analyzing new clusters which reference to said retrieved cluster structure defined according to the user's knowledge and references (col. 19, lines 33-40, Gerace))

Regarding claims 12, 24, 26, 40, 51 and 53, most of the limitations of these claims have been noted in the rejection of claims 1, 23, 25, 27, 50 and 53 above, respectively. In addition, Herz/Gerace discloses: wherein said information comprises text, image, audio, video or any combination thereof (col. 29, lines 22-24, Herz).

Regarding claims 13 and 42, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz/Gerace discloses: wherein said

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<sup>2</sup> Indicated label with respect to the category of information by displayed in tabular form on a blue background for

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user-configurable information clustering system comprises an adaptive resonance associative map (col. 12, lines 41-45, Herz).

Regarding claims 14 and 41, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz/Gerace discloses: wherein said user-configurable information clustering system incorporates user knowledge and preferences for information clustering (col. 6, lines 23-39, Gerace).

Regarding claims 15, all of the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Herz/Gerace discloses: wherein said user-configurable information clustering system further comprises a user interface to provide for viewing and manipulating said cluster structure (37c, fig. 3A, Gerace).

Regarding claims 16 and 44, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz/Gerace discloses: wherein each of said units of information is represented by an information vector (col. 23, lines 31-41, Herz).

Regarding claims 17 and 45, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz/Gerace discloses: wherein

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a user-preferred information grouping is represented by a preference vector (col. 23, lines 31-41, Herz).

Regarding claims 18 and 46, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Herz/Gerace discloses: wherein said units of information are grouped into classes or clusters based on a similarity function (col. 22, lines 65 to col. 23, lines 10, Herz).

Regarding claims 22, most of the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Herz/Gerace discloses: further comprising retrieving said cluster structure to initialize said user-configurable information clustering system prior to clustering new information (col. 25, lines 22-31, Herz).

Regarding claims 34 and 39, most of the limitations of these claims have been noted in the rejection of claims 33 and 27 above, respectively. In addition, Herz/Gerace discloses: wherein said personalization module further comprises means for retrieving the cluster structure from said knowledge base (col. 34, lines 28-35, Herz).

Regarding claims 43, most of the limitations of this claim have been noted in the rejection of claim 27 above. In addition, Herz/Gerace discloses: wherein said user interface permits graphical visualization of said information clusters (col. 6, lines 32-39, Gerace).

***Allowable Subject Matter***



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Claims 19-21 and 47-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record and that encountered while searching for the claimed invention fails to anticipate and/or suggest: a method of organizing information into a plurality of classes or clusters with a user configurable information clustering system comprising wherein said classes or clusters have a coarseness which is controlled by a baseline vigilance parameter as recited in claim 19 and 47.

The prior art of record and that encountered while searching for the claimed invention fails to anticipate and/or suggest: a method of organizing information into a plurality of classes or clusters with a user configurable information clustering system comprising indication by a user of a preference for a lower and higher baseline vigilance parameters by selecting at least one unit of information from each of at least two clusters wherein the selected units of information are deemed by the user to be similar to each other as recited in claims 20, 21, 48 and 49.

***Response to Arguments (filed 08/15/04)***

Applicant's arguments have been considered, but are moot in view of the new ground(s) of rejection.

**1. Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Cindy Nguyen  
September 24, 2004



SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100